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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 10, 2008

Date of Meeting: February 5, 2008

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:46 p.m., on Tuesday, February 5, 2008, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Trasoff and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Mayor Pro Tempore, Council Member Ward 6

Absent/Excused:

Robert E. Walkup	Mayor
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Mike Letcher	Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Rebecca Partin, City Clerk's Office, after which the Pledge of Allegiance was led by the Boy Scouts Troop 733.

Presentations:

- a. Mayor Pro Tempore Trasoff, assisted by Council Member Glassman, proclaimed February 9, 2008 to be "Fort Lowell Day." Janet Marcus accepted the proclamation.
- b. Mayor Pro Tempore Trasoff presented plaques to Judy Williams-Harris, Wilma Hernandez, Peter Lents and Francisco J. Quinones as the Sun Tran "Distinguished Employee Team of 2007."

Roger W. Randolph, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Pro Tempore Trasoff announced City Manager's communication number 49, dated February 5, 2008, was received into and made a part of the record. She also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member Uhlich announced that twenty-three area middle schools participated in the Math Counts competition this past weekend. Four of the top nine schools were from Tucson: Alice Vail Middle School, Amphitheater Middle School, Desert Sky Charter Middle School, and Basis Middle School. She said she was proud of all the middle schools that participated.

Council Member Uhlich provided an update on the Earned Income Tax Credit program being promoted by Ward 3. This was a way to assist low-income working individuals and families with their tax returns to see if they qualified for a refundable income tax credit. Since the program was initiated in mid-January, two hundred and forty-six families visited fifteen different sites to receive free assistance. This resulted in \$670,000 in savings, and averaged \$2,874 per household.

- b. Council Member Romero announced the Arizona Department of Real Estate would present a Consumer Protection Forum at the Tucson Citizen Newspaper office on February 7, 2008. The forum would include presentations on insurance concerns, mortgage fraud, substandard subdivisions, recovery funds, and more.

- c. Council Member Glassman announced the Ward 2 office would hold a Seniors Valentine Tea on February 14, 2008. The event would be hosted by David Fitzsimmons from the Arizona Daily Star. Entertainment would be provided by the Tucson Boys Chorus, and sweets from the French Loaf Bakery.

#### **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Pro Tempore Trasoff announced City Manager's communication number 50, dated February 5, 2008, was received into and made a part of the record. She also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Pro Tempore Trasoff announced City Manager's communication number 54, dated February 5, 2008, was received into and made a part of the record. She asked the City Clerk to read the Liquor License Agenda.

##### **b. Liquor License Applications**

###### **Person Transfer(s)**

- 1. The Bashful Bandit, Ward 6  
3686 E. Speedway Blvd.  
Applicant: Brenndon Richard Scott  
Series 6, City 96-07  
Action must be taken by: February 14, 2008  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Written Argument in Favor Filed

###### **Person/Location Transfer(s)**

- 2. Circle K Store #0517, Ward 3  
3155 N. Alvernon Way  
Applicant: Kim Kenneth Kwiatkowski  
Series 9, City 95-07  
Action must be taken by: February 8, 2008  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Written Argument Opposed Filed

This item was considered separately.

c. Special Event(s)

NOTE: There are no special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 6 to 0, (Mayor Walkup absent/excused), to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

**5. LIQUOR LICENSE APPLICATIONS**

b. Liquor License Applications

Person/Location Transfer(s)

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Applicant: Kim Kenneth Kwiatkowski  
Series 9, City 95-07  
Action must be taken by: February 8, 2008  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, said the application to be considered separately was Item 5b2, Circle K Store #0517, located in Ward 3.

Council Member Uhlich announced there were written arguments against the license, and because there were no background check issues, Tucson Police Department was not present. She asked if anyone who had filed a written argument was in the audience. Hearing none, she asked if the Circle K representative would please come forward.

Council Member Uhlich asked the applicant if he had a chance to review the letters of complaint, and if he would address the concerns raised in those letters.

David Morgan, Tucson Retail Operations Director for the Circle K Store, said he was aware of one of the protest letters submitted. One of the concerns mentioned in the letter involved the number of liquor licenses in the area. He asked the Mayor and Council to grant Circle K the same luxuries as the other business they were competing against. He said since Circle K did not have a liquor license, they were at a disadvantage among those businesses permitted to sell alcohol. Another reason for denying the license mentioned in the letter was the number of apartments that were in proximity to the Circle K Store. It was his opinion that those were customers they needed to serve and asked they

be granted the opportunity to do so. The last concern mentioned in the letter was the vagrants that would loiter at the location, and that did not present a good image. He added within the last six months, the Circle K store had been remodeled and thousand of dollars of upgrades were added. The facility included upgrades to their food service offerings, and added various other cold beverages, so alcohol was not their focus or the only beverage offered. The management for the area and the store had also been upgraded. He asked that Mayor and Council approve the application.

Council Member Uhlich said the Council Members received the correspondence regarding the written arguments that opposed the license. She asked if Mr. Morgan was aware of the extensive conversation held at the Mayor and Council table regarding the State processes that involved how the Mayor and Council could best digest the information on proposed licenses, and offer their best recommendation at the State level. It was her understanding that the State Statute compiled the applicant to demonstrate that the license was necessitated by the public's convenience, and served the public's interest in that manner. She said she realized, in a business view, this was a lucrative area. However, there were written protests that included a concern on the number of treatment facilities in that particular area and their deliberations focused on whether the area would need an additional license. Having studied the information provided, the Council would be forwarding a recommendation for denial.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0, (Mayor Walkup absent/excused), to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial.

## **6. CALL TO THE AUDIENCE**

Mayor Pro Tempore Trasoff announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Michael Toney spoke about the drought situation at Lake Powell and Lake Mead.
- b. Robert Reus spoke about the time left to vote at the polls, the mountain water draining into the Colorado River, and the selection of a new police chief.
- c. Dale Roose spoke about the locations and accessibility of disabled parking in business parking lots.
- d. Reverend Bishop Chicago spoke about drug paraphernalia and drug accessibility around schools and city streets.
- e. Sam West thanked the Mayor and Council for their support in the skateboarding community and the approval for the new skateboard park at the Santa Rita Park.

- f. Chris Stagg thanked the Mayor and Council for their support in the skateboarding community, and the approval for the new skateboard park at the Santa Rita Park.
- g. Karen Scrimshaw thanked the Mayor and Council for their support in the skateboarding community, and the approval for the new skateboard park at the Santa Rita Park.
- h. Erick Nickerson thanked the Mayor and Council for their support in the skateboarding community, and the approval for the new skateboard park at the Santa Rita Park.
- i. Alan Shimato thanked the Mayor and Council for their support in the skateboarding community, and the approval for the new skateboard park at the Santa Rita Park.
- j. Sean Pershing thanked the Mayor and Council for their support in the skateboarding community, and the approval for the new skateboard park at the Santa Rita Park.
- k. Rose Mary Miranda spoke in opposition of the skateboard park being built at the Santa Rita Park..
- l. Ted Parks spoke in opposition of the skateboard park at the Santa Rita Park.
- m. Albert Gagallago spoke in favor of the skateboard park in the Santa Rita Park area.

Mayor Pro Tempore Trasoff thanked the audience for coming to the Mayor and Council meeting to express their views.

## **7. CONSENT AGENDA – ITEMS A THROUGH H**

Mayor Pro Tempore Trasoff announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. She asked the City Clerk to read the Consent Agenda.

### **A. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR FISCAL YEAR 2008 FUNDING OF THE TUCSON-PIMA COUNTY HISTORICAL COMMISSION**

- 1. Report from City Manager FEB5-08- 53 CITY-WIDE AND OUTSIDE CITY

2. Resolution No. 20876 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Fiscal Year 2008 for joint funding of the Tucson-Pima County Historical Commission; and declaring an emergency.
- B. GRANT APPLICATION: TO THE STATE OF ARIZONA FOR HERITAGE FUNDING ASSISTANCE FOR SILVERLAKE PARK FIELD LIGHTING
1. Report from City Manager FEB5-08-55 WARD 5
  2. Resolution No. 20877 relating to historic preservation; approving the application to the State of Arizona for Heritage Funding assistance for Silverlake Park field lighting; and declaring an emergency.
- C. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH URBAN VENTURES LLC FOR PROPERTY LOCATED WITHIN THE HISTORIC TRAIN DEPOT
1. Report from City Manager FEB5-08-57 WARD 6
  2. Ordinance No. 10498 relating to real property; authorizing and approving the Lease Agreement with Urban Ventures, LLC for 400 North Toole Avenue, Suite 201, Tucson, Arizona; and declaring an emergency.
- D. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH PIMA PREVENTION PARTNERSHIP FOR PROPERTY LOCATED WITHIN THE MACARTHUR BUILDING
1. Report from City Manager FEB5-08-56 WARD 6
  2. Ordinance No. 10499 relating to real property; authorizing and approving the Lease Agreement with Pima Prevention Partnership for real property located at 345 East Toole Avenue, Tucson, Arizona; and declaring an emergency.
- E. INDUSTRIAL DEVELOPMENT: AUTHORIZATION FOR THE ISSUANCE OF TUCSON INDUSTRIAL DEVELOPMENT AUTHORITY INDUSTRIAL REVENUE BOND
1. Report from City Manager FEB5-08-58 CITY-WIDE

2. Resolution No. 20878 relating to the issuance of the Industrial Development Authority of the City of Tucson, Arizona Industrial Revenue Bond (The Ashton Company, Inc., Contractors and Engineers Project), Series 2008, in a principal amount not to exceed \$2,500,000 (the “Bonds”); and declaring an emergency.

F. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR CHAMBER MUSIC PLUS SOUTHWEST

1. Report from City Manager FEB5-08-59 MAYOR
2. Resolution No. 20879 relating to Finance; approving and authorizing the allocation of Seven Hundred Fifty Dollars (\$750) from the Mayor’s Office Community Support Fund, Account No. 001-183-1898-268, to Chamber Music Plus Southwest to allow school children to participate in workshops and attend live performances in the “For the Love of Words and Sounds” series; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows:  
Mayor Walkup - \$750.00.

Roger W. Randolph, City Clerk, announced an amendment to Consent Agenda Item F. Council Member Scott would allocate \$250 for a total contribution of \$1000.

G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR ITZABOUTIME

1. Report from City Manager FEB5-08-60 WARD 6
2. Resolution No. 20880 relating to Finance; approving and authorizing the allocation of Two Hundred Dollars (\$200) from the Ward 6 Office Community Support Fund, Account No. 001-183-1898-268, to ITZABOUTIME to help sponsor their free annual benefit meal and concert with Charlie King on February 2, 2008; and declaring an emergency.

This is a request by Vice Mayor Trasoff. Allocation of funds is as follows:  
Vice Mayor Trasoff - \$200.00

Roger W. Randolph, City Clerk, announced an amendment to Consent Agenda Item G. Council Member Glassman and ~~Vice Mayor Trasoff~~ **Council Member Uhlich** would each be adding \$100 for a total contribution of \$400.

\*City Clerk Note: 6/16/08 RWR;bp Minutes approved at the June 10, 2008, Mayor and Council meeting with the following correction: Amendment to item G, ~~Vice Mayor Trasoff~~ should read **Council Member Uhlich**.



It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through G, with Items F and G as amended be passed and adopted and the proper action taken.

Mayor Pro Tempore Trasoff asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Items A through G, with Items F and G as amended, were declared passed and adopted by a roll call vote of 6 to 0.

**8. BUDGET AND RESEARCH: TECHNICAL REVISION OF THE HOME RULE LIMITATION TO INCLUDE EMPLOYEE DEFERRED COMPENSATION TRANSFER OF ASSETS**

Mayor Pro Tempore Trasoff announced City Manager's communication number 52, dated February 5, 2008, was received into and made a part of the record. She asked the City Clerk to read the Resolution 20871 by number and title only.

Resolution No. 20871 relating to budget; suspending the alternative expenditure limit for fiscal year 2006-07 as authorized by Proposition 400; and declaring an emergency.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 20871.

Mayor Pro Tempore Trasoff asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Resolution 20871 was declared passed and adopted by a roll call vote of 6 to 0.

**9. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER MISCELLANEOUS FEES AND SCHEDULING A PUBLIC HEARING FOR MARCH 18, 2008**

Mayor Pro Tempore Trasoff announced City Manager's communication number 61, dated February 5, 2008, was received into and made a part of the record. She asked the City Clerk to read the Resolution 20881 by number and title only.

Roger W. Randolph, City Clerk, announced the Water Director would give a brief presentation.

David V. Modeer, Tucson Water Director, stated that this was a notice of intent to increase certain fees that related to water and schedule a public hearing for March 18, 2008.

Mayor Pro Tempore Trasoff clarified that the Mayor and Council were not passing water rates. They were voting on setting a date to hold a public hearing for consideration of the possibility thereof.

Resolution No. 20881 relating to water; authorizing the adoption of a Notice of Intention to increase certain Tucson Water miscellaneous fees; and declaring an emergency.

Mayor Pro Tempore Trasoff asked the Council if they had any comments.

Council Member Glassman stated he was pleased that Tucson Water was looking across the board at all sources of increasing revenue to pay for the infrastructure that included business and development as well.

It was moved by Council Member Glassman, duly seconded, to pass and adopt Resolution 20881 and direct staff to file the proposed fee schedule in the City Clerk's office, and set March 18, 2008, for the Public Hearing regarding the proposed fee.

Mayor Pro Tempore Trasoff asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Resolution 20881 was declared passed and adopted by a roll call vote of 6 to 0.

## **10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Pro Tempore Trasoff announced City Manager's communication number 51, dated February 5, 2008, was received into and made a part of the record. She asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, to reappoint Jim Kazal and appoint Stanley D. Adams and Mark S. Favara to the Fire Code Review Committee and ratify Lucinda Huges-Juan and Mary Lee Right as appointments to the Pima County/Tucson Women's Commission.

Mayor Pro Tempore Trasoff asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

The appointments and reappointments were declared passed and adopted by a roll call vote of 6 to 0.

Mayor Pro Tempore Trasoff asked if there were any personal appointments to be made.

Council Member Scott announced her appointment of Dan Offret to the KIDCO Task Force (Out-of-School Program Task Force) and Christopher S. Sowards to the Community Development Advisory Committee.

Council Member Uhlich announced her appointment of Raul Hector Valenzuela to the Tucson Rodeo Grounds/Parade Citizens' Oversight Committee and Rebecca Wyatt to the Small Business Commission.

Council Member Glassman announced his appointment of Shannon McBride-Olson to the Planning Commission, Colette Barajas to the Tucson Greens Committee and Sue Betanzos to the Public Art and Community Design Committee.

Council Member Romero announced her appointment of Ray M. Figueroa to the Committee on Disability Issues, Kathy Cooper to the Planning Commission, Dale Penn to the Tucson Rodeo Grounds/Parade Citizens Oversight Committee, and Maria Borbon to the Environmental Services Advisory Commission.

**11. ADJOURNMENT:** 6:33 p.m.

Mayor Pro Tempore Trasoff announced the next regularly scheduled meeting of the Mayor and Council would be held on February 12, 2008, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 5th day of February 2008, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:cs:mz:kad